

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF KENTUCKY
TERRE HAUTE DIVISION

CIARA HAMILTON,)	
)	
Plaintiffs,)	
)	CAUSE NO.: 2:19-cv-529
v.)	
)	
CLEAN SWEEP PLUS, INC.,)	
CARMEN RAMSEY and)	
T. SCOTT RAMSEY)	
)	
Defendant.)	

COMPLAINT AND REQUEST FOR JURY TRIAL

I. NATURE OF THE CASE

1. Plaintiff, Ciara Hamilton (“Hamilton”), by counsel, brings this action against Defendant, Clean Sweep Plus, Inc. d/b/a Office Pride Commercial Cleaning Services – Terre Haute, (“Office Pride”), Carmen Ramsey and T. Scott Ramsey (collectively “Defendants”) alleging that they violated the Fair Labor and Standards Act (“FLSA”), 29 U.S.C. § 201 *et seq.*

II. PARTIES

2. Hamilton is a citizen of Vigo County, Indiana and has resided within the geographic boundaries of the Southern District of Indiana at all relevant times.

3. Office Pride is an Indiana corporation doing business as an commercial cleaning service in or around the Terre Haute area. Office Pride acted, directly or indirectly, in the interest of an employer with respect to Plaintiff.

4. Upon information and belief, Carmen Ramsey is an owner of Office Pride.

5. Upon Information and believe, T. Scott Ramsey is an owner of Office Pride.

6. Each Defendant (collectively "Defendants") is an "employer" within the meaning of 29 U.S.C. § 203(d), (r) and (s).

III. JURISDICTION AND VENUE

7. This Court has jurisdiction over the subject matter of this complaint pursuant to 28 U.S.C. §1331, 29 U.S.C. § 216(b) and 28 U.S.C. §1367.

8. Defendant is an "employer" as that term is defined by 29 U.S.C. § 203(d).

9. Plaintiff is an "employee" as that term is defined by 29 U.S.C. §203(e)(1).

10. Defendant is subject to the FLSA because its employees engaged in interstate commerce and Defendant generates an annual gross volume of sales made or business done in excess of \$500,000.00.

11. All events, transactions, and occurrences relevant to this lawsuit arose within the geographical environs of the Southern District of Indiana; thus venue is proper in this Court.

IV. FACTUAL ALLEGATIONS

12. Office Pride provides commercial cleaning services in Terre Haute as well in surrounding communities, including businesses in both Indiana and Illinois

13. On or about December 15, 2015, Hamilton was hired by Defendants as a Front Line Cleaner.

14. In or about May 2016, Hamilton began performing additional duties and was given the title of Team Lead. A few weeks later, her title was changed to Assistant Area Lead; however, her duties remained the same.

15. Hamilton's duties primarily consisted of performing field work, i.e. cleaning.

16. On or about October 30, 2017, Defendants added an additional duty to Hamilton's workload. It asked her to audit its timekeeping system, Chronotek, each night to ensure each account had been covered as scheduled. The work generally took 7 hours per week. Defendants did not compensate Hamilton for these hours worked.

17. At all times between December 15, 2015, and June 2018, Hamilton was appropriately designated as a non-exempt employee under the Fair Labor Standards Act and paid on an hourly basis.

18. In or about January 2018, Defendants hired Marcus Rogers as its General Manager. Rogers became Hamilton's supervisor and assumed all leadership responsibilities that Hamilton had previously performed.

19. In or about June 2018, Defendants began to pay Hamilton on a salary basis, though her job responsibilities and hourly rate remained unchanged.

20. Hamilton consistently worked at least 60 hours per week from June 2018 through her resignation on August 5, 2019.

21. In February 2019, Defendants requested that Hamilton perform post-construction clean-up work at an Assisted Living Building. Hamilton worked approximately 60 hours performing post-construction clean-up work but was never paid for any of her time doing so.

22. Between approximately June 26, 2019 and July 26, 2019, Office Pride requested that Hamilton perform clean-up work at Indiana State University School of

Fine Art. Hamilton worked between approximately 70 hours at Indiana State University School of Fine Art, but was never compensated for it.

V. Legal Allegations

23. Hamilton hereby incorporates paragraphs one (1) through twenty-two (22) of her Complaint as if the same were set forth at length herein.

24. Hamilton was a non-exempt employee of Office Pride who was engaged in commerce and/or in an enterprise engaged in commerce.

25. Defendants intentionally and willfully failed to compensate Hamilton at least one and one-half times the minimum wage rate of pay for time she spent performing work-related duties in excess of forty hours in a workweek.

26. Defendants' actions violated the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 201 *et seq.*

27. Hamilton is entitled to recover from Defendants all compensation which she earned, as well as liquidated damages and attorney fees pursuant to the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 201 *et seq.*

VI. REQUESTED RELIEF

WHEREFORE, Plaintiff, Ciara Hamilton, respectfully requests that this Court enter judgment in her favor and award her the following relief:

1. Payment to Plaintiff of all unpaid wages and overtime compensation;
2. Payment to Plaintiff of liquidated damages for all unpaid wages and overtime compensation;

3. Order injunctive relief sufficient to insure that Defendants cease and desist from further unlawful employment practices in violation of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. Â§ 201 *et seq.*;
4. Order Defendants to pay pre-judgment and post-judgment interest to Plaintiffs;
5. Order Defendants to pay Plaintiff's costs and attorney fees; and
6. Order all other relief this Court deems just and proper.

Respectfully submitted,

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DEMAND FOR JURY TRIAL

Plaintiff, Ciara Hamilton, by counsel, requests a trial by jury on all issues deemed so triable.

Respectfully submitted,

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